

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

IN RE CREDIT DEFAULT SWAPS AUCTIONS  
LITIGATION

Case No.: 1:21-cv-00606-KJG-JHR

**STIPULATION REGARDING VOLUNTARY DISMISSAL OF CLAIMS  
AGAINST CERTAIN DEFENDANTS**

WHEREAS, on June 30, 2021, Plaintiff New Mexico State Investment Council commenced the above-captioned action (the “Action”) by filing a class action complaint (the “Complaint”), *see* ECF No. 1;

WHEREAS, on November 15, 2021, Defendants moved to dismiss the Complaint, *see* ECF Nos. 138-142;

WHEREAS, in accordance with the Stipulation and Order Regarding Service and Time to Respond to the Complaint, *see* ECF No. 77, on December 15, 2021, Plaintiff advised Defendants that Plaintiff elects to amend the Complaint in response to Defendants’ Motion to Dismiss the Complaint, *see* ECF Nos. 138-142;

WHEREAS, on December 20, 2021, Plaintiff and Defendants submitted to the Court a Stipulation and [Proposed] Order Regarding Filing the Amended Complaint and Time to Respond to the Amended Complaint, *see* ECF No. 144, stating, in part, that Plaintiff will file an amended class action complaint (the “Amended Complaint”) on or before February 4, 2022;

WHEREAS, on December 22, 2021, the Court entered the Stipulation and Order Regarding Filing the Amended Complaint and Time to Respond to the Amended Complaint; *see* ECF No. 145;

WHEREAS, undersigned counsel for Bank of America Corporation, Barclays PLC, Citigroup Inc., Credit Suisse Group AG, The Goldman Sachs Group, Inc., JPMorgan Chase & Co., Morgan Stanley and NatWest Group Plc have represented that Bank of America Corporation, Barclays PLC, Citigroup Inc., Credit Suisse Group AG, The Goldman Sachs Group, Inc., JPMorgan Chase & Co., Morgan Stanley and NatWest Group Plc are holding companies that have not engaged in the business of market making in any single-name credit default swaps (“CDS”), index CDS, or swaptions and have not engaged in any conduct related to the CDS auctions or establishment of the CDS auction process in the United States and its territories from June 1, 2005 through the present;

NOW, THEREFORE, IT IS STIPULATED AND AGREED:

1. Plaintiff agrees to voluntarily dismiss all claims against Bank of America Corporation, Barclays PLC, Credit Suisse Group AG, The Goldman Sachs Group, Inc., JPMorgan Chase & Co., Morgan Stanley and NatWest Group Plc without prejudice to reassert such claims against Bank of America Corporation, Barclays PLC, Citigroup Inc., Credit Suisse Group AG, The Goldman Sachs Group, Inc., JPMorgan Chase & Co., Morgan Stanley and NatWest Group Plc at a later time should evidence arise in discovery or otherwise reveal information providing a basis for joining those entities on the claims being litigated in this case and related to the allegations asserted in the Complaint filed on June 30, 2021 (the “Relevant Claims(s)”).

2. The Parties further agree that any statute of limitations, statute of repose, or other time-related defense or claim shall be tolled with respect to Relevant Claims as to Bank of America Corporation, Barclays PLC, Citigroup Inc., Credit Suisse Group AG, The Goldman

Sachs Group, Inc., JPMorgan Chase & Co., Morgan Stanley and NatWest Group Plc from the date of this agreement until final adjudication (after all appeals) of the dismissal of the Action (the “Tolling Period”). Any Relevant Claim as to Bank of America Corporation, Barclays PLC, Citigroup Inc., Credit Suisse Group AG, The Goldman Sachs Group, Inc., JPMorgan Chase & Co., Morgan Stanley and NatWest Group Plc asserted during the Tolling Period by Plaintiff will be deemed to have been filed on June 30, 2021 (the filing date of the Complaint). The Parties hereto also agree that Bank of America Corporation, Barclays PLC, Citigroup Inc., Credit Suisse Group AG, The Goldman Sachs Group, Inc., JPMorgan Chase & Co., Morgan Stanley and NatWest Group Plc will not assert a statute of limitations or statute of repose defense based on this dismissal without prejudice or the time period excluded by this tolling agreement. But Bank of America Corporation, Barclays PLC, Citigroup Inc., Credit Suisse Group AG, The Goldman Sachs Group, Inc., JPMorgan Chase & Co., Morgan Stanley and NatWest Group Plc expressly reserve and do not waive any and all other defenses, including but not limited to defenses with respect to personal jurisdiction and improper venue.

3. The Parties further agree that Bank of America Corporation, Barclays PLC, Citigroup Inc., Credit Suisse Group AG, The Goldman Sachs Group, Inc., JPMorgan Chase & Co., Morgan Stanley and NatWest Group Plc will respond to all discovery requests as if they remained defendants in the Action, subject to the Federal Rules of Civil Procedure and analogous local rules. For the avoidance of doubt, Bank of America Corporation, Barclays PLC, Citigroup Inc., Credit Suisse Group AG, The Goldman Sachs Group, Inc., JPMorgan Chase & Co., Morgan Stanley and NatWest Group Plc reserve all rights to assert any objection to any discovery request that they could assert if they were parties to the Action.

Dated: February 4, 2022

Hector H. Balderas  
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STATE OF NEW MEXICO

Electronically Approved 2/4/2022

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